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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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12 UNITED STATES OF AMERICA,

NO. CR. 89-062 WBS GGH

13 Plaintiff,

ORDER

14 v.

15 MICHAEL L. MONTALVO,

16 Defendant.
17 _____/

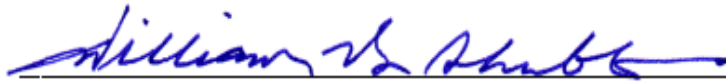
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19 Montalvo has filed a motion for leave to proceed on
20 appeal in forma pauperis from this courts orders of November 17,
21 2008, December 16, 2008, and January 12, 2009. Under Federal
22 Rule of Appellate Procedure 24(a)(3), "[a] party who was
23 permitted to proceed in forma pauperis in the district-court
24 action, or who was determined to be financially unable to obtain
25 an adequate defense in a criminal case, may proceed on appeal in
26 forma pauperis without further authorization." Because Montalvo
27 was permitted to proceed in forma pauperis in this court, he does
28 not need further permission of this court to proceed in forma

1 pauperis on appeal. The court will therefore decline to grant
2 his request.

3 IT IS SO ORDERED.

4 DATED: February 4, 2009

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7 WILLIAM B. SHUBB

8 UNITED STATES DISTRICT JUDGE
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